

EXHIBIT 28



Transcript of the Deposition of

Kathaleen Lanahan

Case: James Fletcher, Jr. v. Jerome Bogucki, et al.

Taken On: June 7, 2024

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES FLETCHER JR.,)	
)	
Plaintiff,)	
)	
-vs-)	No. 20 CV 4768
)	
JEROME BOGUCKI, ANTHONY)	
NORADIN, RAYMOND SCHALK,)	
ANTHONY WOJCIK, UNKNOWN)	
CITY OF CHICAGO POLICE)	
OFFICERS, and the CITY OF)	
CHICAGO,)	
)	
Defendants.)	
)	

The deposition of KATHALEEN LANAHAN taken via videoconference, called by the Defendants for examination, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Emma Sheehy, Certified Shorthand Reporter within and for the County of Cook and State of Illinois, commencing at the hour of 10:00 a.m. on the 7th day of June, 2024.

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1 A P P E A R A N C E S: (Via videoconference)

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I N D E X

WITNESS

EXAMINATION

KATHALEEN LANAHAN

By Mr. Stefanich

4

By Mr. Starr

27

E X H I B I T S

DEPOSITION EXHIBIT

MARKED FOR ID

Exhibit No. 1

10

Exhibit No. 2

12

Plaintiff's Exhibit No. 1

66

Exhibits retained by Counsel.

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1 (Witness duly sworn.)

2 KATHALEEN LANAHAN,

3 having been first duly sworn, was examined and

4 testified via videoconference as follows:

5 EXAMINATION

6 BY MR. STEFANICH:

7 Q. Good morning, Judge. My name is
8 Brian Stefanich. I represent four police officers
9 in this case; Detectives Bogucki, Schalk, Noradin,
10 and Sergeant Wojcik.

11 Could you please state your name for the
12 record.

13 A. Kathaleen Lanahan.

14 Q. And you're currently a judge; is that
15 correct?

16 A. That's correct.

17 Q. How long have you been a judge?

18 A. Five and a half years.

19 Q. Where are you currently assigned?

20 A. I'm assigned to the Fifth District.
21 That's Bridgeview.

22 Q. What types of cases do you hear in
23 Bridgeview?

24 A. I do the problem-solving courts, which are

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1 mental health court, drug court, and veterans court.

2 And then I do, you know, misdemeanor, traffic,

3 domestic violence. I fill in in other courtrooms.

4 But I primarily do problem-solving court.

5 **Q. At some point before you were a judge,**
6 **you were an assistant state's attorney for the Cook**
7 **County State's Attorney's Office; is that correct?**

8 A. That's correct.

9 **Q. When did you begin at the Cook County State's**
10 **Attorney's Office?**

11 A. February of 1994.

12 **Q. And how long were you an assistant state's**
13 **attorney?**

14 A. Approximately 25 years.

15 **Q. I want to talk about your time at the**
16 **state's attorney's office in April of 2002.**

17 **Do you recall where you were assigned in**
18 **the state's attorney's office in April 2002?**

19 A. I was assigned to Branch 66, which is the
20 homicide section.

21 **Q. And can you describe what Branch 66 is?**

22 A. Branch 66 prepares cases for indictment.
23 So once the cases are approved by felony review, they
24 go to Branch 66 to be indicted. And in the process of

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1 indicting cases, you also talk to witnesses, victims,
2 and you may present them to the grand jury. And then,
3 of course, present the case to the grand jury for the
4 indictment.

5 **Q. Okay. Is there, like, a normal court call**
6 **for Branch 66, like a daily court call?**

7 A. There is. It was in the afternoon,
8 I believe.

9 **Q. And, typically, what would happen at the**
10 **daily court call in Branch 66?**

11 MR. OBERTS: Object to vague; overbroad.

12 BY MR. STEFANICH:

13 **Q. You can answer.**

14 A. Basically, the cases were either -- the
15 cases, when they initially came in, were given a court
16 date. And then the case is either indicted by that
17 date, and, you know, the preliminary -- the municipal
18 number would have been superseded by indictment, or,
19 you know -- I can't remember exactly what it was,
20 if we would do two or three weeks. But if you needed
21 some more time for some -- you know, it could have
22 just been a continuance -- continuance on the call.
23 But that's about it. And, occasionally, there would
24 be -- there had been -- occasionally, there would be

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1 a prelim in Branch 66, but very rarely.

2 Q. Okay. So more often than not, it would just
3 be a direct indictment and not a prelim?

4 A. Correct.

5 Q. And Branch 66, when you would get the case in
6 Branch 66, the case would still be under the municipal
7 number?

8 A. Correct.

9 Q. And then it wouldn't get a, I guess, felony
10 CR number until either the prelim was granted or there
11 was an indictment?

12 A. Correct.

13 Q. When a case came into Branch 66, would there
14 be, I guess, like, a small court file that would come
15 in with it?

16 MR. OBERTS: Vague; overbroad.

17 MR. STARR: Objection to form; foundation.

18 THE WITNESS: The -- no. I mean, we didn't
19 get a court file, no.

20 BY MR. STEFANICH:

21 Q. Okay. Would there be any sort of file
22 that you would look at when a case would come into
23 Branch 66?

24 A. The felony --

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1 MR. OBERTS: Vague; overbroad.

2 THE WITNESS: Sorry. The felony review file
3 may come to Branch 66.

4 BY MR. STEFANICH:

5 Q. Okay. Do you remember doing any work on
6 James Fletcher's criminal case in April or May of
7 2002?

8 A. I do not. I have no --

9 Q. Okay.

10 MR. STARR: I'm sorry. I didn't hear the
11 rest of her answer. You cut out. I don't know if
12 it's just my computer or yours.

13 THE WITNESS: No independent recollection.

14 MR. STARR: Thank you.

15 BY MR. STEFANICH:

16 Q. Mr. Fletcher also went by the alias of
17 Arnold Dixon.

18 Does that name jog any memory for you?

19 A. No.

20 Q. Judge, do you have any documents about the
21 Fletcher case in front of you?

22 A. I was provided some documents, yes.
23 They're here --

24 Q. Do you have them in the back or with you

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1 **right now?**

2 A. I have them to the side here.

3 **Q. Oh, okay. Do you have the criminal**
4 **complaint?**

5 A. I do.

6 **Q. Okay. It might just be easier if you look**
7 **at it as opposed to me trying to share my screen.**

8 MR. STARR: Brian, I don't mean to interrupt
9 you, but you didn't provide any exhibits in advance
10 of this deposition, as far as I know.

11 Do you intend to identify stuff so I can
12 find it or share your screen? I mean, we've commonly
13 exchanged exhibits, but I didn't see any come in this
14 morning.

15 MR. STEFANICH: Sure. So I can give you the
16 Bates stamp, Sean, or I can try to share my screen.
17 You know that generally doesn't work for me, but...

18 MR. STARR: I've been trying to get you
19 to learn how to do it because it's really not that
20 complicated. So I think if you share your screen,
21 that would be helpful for everyone on the Zoom, but...

22 MR. STEFANICH: Sure. I will see what
23 happens.

24 BY MR. STEFANICH:

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1 **Q. Judge, do you see on the screen here the**
2 **criminal complaint?**

3 A. I do.

4 **Q. Okay.**

5 MR. STEFANICH: Sean, do you?

6 MR. STARR: Yeah. Do you mind identifying
7 the Bates as well, Brian?

8 MR. STEFANICH: Sure. Yeah. So let's
9 mark this as Exhibit Number 1. It's Bates-stamped
10 Fletcher 6926.

11 MR. STARR: Thank you.

12 MR. STEFANICH: And this is a copy of the
13 criminal complaint in People versus James Fletcher.
14 BY MR. STEFANICH:

15 **Q. Judge, is this your signature where it says,**
16 **complainant signature?**

17 A. My signature. It's my handwriting, yes.

18 **Q. Okay. And is it your handwriting for the**
19 **entirety of this document where there's handwritten**
20 **notations?**

21 A. It is.

22 **Q. Okay. And you're the complainant on this**
23 **criminal complaint; is that correct?**

24 A. Correct.

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1 **Q. And it looks like the criminal complaint**
2 **was filed on April 18, 2002; is that correct?**

3 MR. OBERTS: Foundation.

4 THE WITNESS: Correct.

5 BY MR. STEFANICH:

6 **Q. Do you know why you're the complainant for**
7 **Mr. Fletcher's criminal case?**

8 MR. STARR: Objection, foundation.

9 MR. OBERTS: Objection, foundation,
10 and to the extent it calls for her personal mental
11 impression.

12 THE WITNESS: I don't.

13 BY MR. STEFANICH:

14 **Q. Was that typical for your time in Branch 66**
15 **where you would be a complainant in a criminal case?**

16 MR. OBERTS: Objection to vague; overbroad.
17 Go ahead.

18 THE WITNESS: It was not.

19 BY MR. STEFANICH:

20 **Q. Do you have -- do you know what, if any,**
21 **documents you would have reviewed prior to filling**
22 **out this criminal complaint?**

23 MR. STARR: Objection; form, foundation.

24 MR. OBERTS: Speculation.

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1 Go ahead.

2 THE WITNESS: I don't know what documents
3 I reviewed.

4 BY MR. STEFANICH:

5 Q. Do you know who ASA Jennifer Walker is?

6 A. I do.

7 Q. Do you recall ever speaking with ASA Walker
8 about Mr. Fletcher's criminal case?

9 A. No.

10 MR. STARR: Objection; form, foundation,
11 speculation.

12 BY MR. STEFANICH:

13 Q. I'll represent to you that ASA Walker was
14 the felony review attorney in Mr. Fletcher's case.

15 Would you have spoken to ASA Walker, the
16 felony review assistant state's attorney, prior to
17 filling out this complaint?

18 MR. STARR: Same objections.

19 THE WITNESS: I have no idea.

20 BY MR. STEFANICH:

21 Q. Judge, do you see a report of proceedings on
22 the Zoom screen there?

23 A. I do.

24 Q. Okay. We'll mark this as Exhibit Number 2.

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1 **This is a transcript of a report of proceedings from**
2 **April 18 -- the transcript says 2004, but I think**
3 **that's a scrivener's error. I think it should be**
4 **2002. And this is in Branch 66. The judge was**
5 **Kevin Sheehan.**

6 **Judge, do you recall Judge Sheehan being in**
7 **Branch 66 in 2002?**

8 A. I do.

9 Q. And you're listed as the assistant state's
10 attorney on this transcript representing the State in
11 this matter; is that correct?

12 A. I am, yes.

13 Q. Did you review this transcript prior to
14 today's deposition?

15 A. I did.

16 Q. Did reviewing this transcript refresh your
17 recollection at all about anything with Mr. Fletcher's
18 criminal case?

19 A. No.

20 Q. I turned to page 2, which is Bates stamp
21 Fletcher 6877.

22 And the last paragraph here, Judge, you state
23 that he is here -- "he" being Mr. Fletcher -- is here
24 today on a murder warrant.

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1 **Do you see that?**

2 A. I do.

3 **Q. Can you describe what a -- is a murder**
4 **warrant the same thing as an arrest warrant?**

5 A. Correct. It's an arrest warrant for the
6 charge of murder. Right.

7 **Q. Okay. Got it.**

8 MR. STARR: Brian, can you identify the
9 entire range of this transcript?

10 MR. STEFANICH: Sure. It's Fletcher 6876
11 through Fletcher 6880.

12 MR. STARR: Thank you.

13 BY MR. STEFANICH:

14 **Q. Judge, going back to page 2, you tell the**
15 **Court that we're asking that it be executed -- "it"**
16 **being the murder warrant -- that he be held no bail,**
17 **and that he be remanded at Cook County Jail to stand**
18 **in a lineup.**

19 **Do you see that?**

20 A. I do.

21 **Q. Based on this transcript, do you think that**
22 **the murder warrant or the arrest warrant hadn't been**
23 **executed on this date?**

24 MR. STARR: Objection; form, foundation.

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1 MR. OBERTS: Objection to her thoughts and
2 her thought -- her mental impression and work product.
3 However, I don't object to asking factually --
4 factually -- question factually for factual
5 information, but as far as her thoughts or her mental
6 impression and ask her not to provide her work product
7 or mental impression.

8 THE WITNESS: Yeah. I am -- I mean, I'm
9 asking that it be executed. He's coming from IDOC.
10 I guess we're asking that it be executed, so he will
11 be held in the county jail for lineup. I mean, I
12 think it kind of speaks for itself. I guess I'm not
13 sure what you're asking.

14 BY MR. STEFANICH:

15 Q. Yeah. I guess, procedurally -- I'm trying
16 to ask procedurally if you know sort of what -- what
17 occurred, because my understanding was the murder
18 warrant was signed in March.

19 So, I guess, procedurally, if the murder
20 warrant hadn't been executed, how would he have -- how
21 would Mr. Fletcher have gotten to -- gotten to court?

22 MR. STARR: Objection; form and foundation.

23 MR. OBERTS: Is that your question right now?

24 MR. STEFANICH: Yeah.

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1 MR. OBERTS: Objection as far as speculation
2 and judge's work product, mental impressions. But if
3 she could answer factually or if you have a factual
4 question, I wouldn't object. But to her thoughts or
5 impression or speculation of what may or may not have
6 happened without foundation, I object to that.

7 THE WITNESS: Yeah. I -- I don't know.
8 I mean, the -- they issued a warrant because he was
9 in IDOC and then writ him over for the warrant to be
10 executed to stand in a lineup. I mean, I don't
11 know --

12 BY MR. STEFANICH:

13 Q. I see. So --

14 A. -- what you're asking more than that.

15 Q. No. I think I understand. I think I was
16 missing the State would have writted him over.
17 So thank you for that clarification.

18 On page 4 of this transcript, you inform
19 the Court that the lineup is to happen on Saturday.

20 Do you see that?

21 A. I do.

22 Q. Do you have -- do you know where you would
23 have received that information?

24 MR. STARR: Objection; form, foundation,

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1 speculation.

2 MR. OBERTS: Join.

3 THE WITNESS: I don't. I mean, I'm guessing
4 the detectives, but --

5 BY MR. STEFANICH:

6 Q. Okay.

7 A. -- I don't know who else would be -- I mean,
8 they're the people who would be running the lineup,
9 so -- but I -- but do I remember? No.

10 Q. Do you remember Detective Bogucki?

11 A. I don't. I don't know him. I mean, I'm sure
12 I met him at some point if he was involved in this
13 case and he came to court on this case, but I can't
14 tell you for certain. He's not --

15 Q. What about --

16 A. -- someone I regularly worked with or knew.

17 Q. What about Detective Schalk, Ray Schalk?

18 MR. OBERTS: Objection to form.

19 THE WITNESS: I don't --

20 MR. OBERTS: Go ahead.

21 THE WITNESS: I don't think so.

22 BY MR. STEFANICH:

23 Q. Judge, I'm going to pull up another
24 transcript of Sheenee Friend's grand jury testimony.

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1 **Judge, do you see here that this appears**
2 **to be a transcript of grand jury testimony of**
3 **Sheenee Friend?**

4 A. I do.

5 **Q. Did you review this transcript prior to**
6 **today's deposition?**

7 A. I did.

8 MR. OBERTS: Brian, do you have a Bates
9 stamp?

10 MR. STARR: Bill, what did you say?
11 I'm sorry.

12 MR. OBERTS: Brian, can you give a Bates
13 stamp?

14 MR. STARR: Okay.

15 MR. STEFANICH: It's Fletcher 474 through
16 Fletcher 489.

17 BY MR. STEFANICH:

18 **Q. Did reviewing this grand jury testimony**
19 **refresh your recollection at all about Mr. Fletcher's**
20 **criminal case?**

21 A. No.

22 **Q. Do you recall Ms. Friend?**

23 A. No.

24 **Q. Based on your review of the grand jury**

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1 **testimony, is it fair to say that Ms. Friend**
2 **identified and testified that Mr. Fletcher was one**
3 **of the offenders in this murder in front of the grand**
4 **jury?**

5 MR. OBERTS: Object to foundation,
6 speculation, and to the extent it calls for her mental
7 impression. But factually, I -- she can answer it if
8 she has the ability.

9 THE WITNESS: That's what I read in the
10 transcript.

11 MR. STARR: Belated objection to form and
12 foundation. I apologize. My Internet is a little
13 spotty this morning.

14 BY MR. STEFANICH:

15 **Q. And, Judge, you were the ASA who presented**
16 **Ms. Friend to the grand jury; is that correct?**

17 A. Correct.

18 **Q. In the transcript on page that's Bates**
19 **stamped Fletcher 480, you show Ms. Friend a photograph**
20 **that you mark as People's Exhibit 1.**

21 **Do you see that?**

22 MR. OBERTS: Foundation.

23 THE WITNESS: I do.

24 BY MR. STEFANICH:

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1 **Q. Okay. Do you recall where you would have**
2 **received that photograph?**

3 MR. STARR: Form; foundation.

4 MR. OBERTS: Join.

5 THE WITNESS: I don't.

6 BY MR. STEFANICH:

7 **Q. And, Judge, on page that's marked**
8 **Fletcher 486 at the line that starts line 22, you**
9 **ask Ms. Friend about an interview that she had with**
10 **ASA Walker, Detectives Bogucki and Schalk on**
11 **March 9, 2002.**

12 Do you see that?

13 MR. OBERTS: Foundation; speculation.

14 Go ahead.

15 THE WITNESS: I do.

16 BY MR. STEFANICH:

17 **Q. Okay. And you marked as People's Exhibit 2**
18 **Ms. Friend's handwritten statement that she gave to**
19 **ASA Walker.**

20 Do you see that?

21 MR. OBERTS: Foundation; speculation.

22 THE WITNESS: I do.

23 BY MR. STEFANICH:

24 **Q. Okay. You asked Ms. Friend at the grand**

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1 jury how she had been treated by the police and the
2 assistant state's attorney; is that correct?

3 MR. OBERTS: Foundation; speculation.

4 MR. STARR: Join.

5 BY MR. STEFANICH:

6 Q. And how did Ms. Friend respond?

7 MR. OBERTS: Objection; foundation,
8 speculation.

9 MR. STARR: Join.

10 THE WITNESS: The transcript says, I was
11 treated real good.

12 BY MR. STEFANICH:

13 Q. You also asked Ms. Friend if anyone
14 threatened her or in any way promised her anything in
15 return for her handwritten statement.

16 Do you see that?

17 A. I do.

18 MR. OBERTS: Foundation; speculation.

19 BY MR. STEFANICH:

20 Q. And how did Ms. Friend respond?

21 MR. OBERTS: Objection; foundation,
22 speculation.

23 MR. STARR: Join.

24 THE WITNESS: No, ma'am.

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1 BY MR. STEFANICH:

2 Q. Was it your practice to speak with civilian
3 witnesses prior to putting them in front of the grand
4 jury?

5 A. Yes.

6 Q. And would it be your practice to go over
7 their testimony with them?

8 A. Yes.

9 Q. Did Ms. Friend ever tell you that she
10 identified someone other than Mr. Fletcher as one of
11 the offenders in a photo array and that the police
12 told her to pick out Fletcher?

13 MR. STARR: Objection to form; foundation;
14 calls for speculation.

15 THE WITNESS: I have no idea based on the
16 transcript, but I would have addressed that had she
17 told me something like that.

18 BY MR. STEFANICH:

19 Q. Would you have -- how would you have
20 addressed it?

21 MR. OBERTS: Objection; speculation,
22 foundation, incomplete hypothetical.

23 MR. STARR: Join.

24 THE WITNESS: I don't remember in this --

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1 I don't remember her saying anything like that in
2 this case.

3 BY MR. STEFANICH:

4 Q. Okay. Do you recall or remember Ms. Friend
5 ever telling you that when she went to the police
6 station for an in-person lineup, that the police told
7 her to pick out who they had pointed out in the photo
8 array?

9 MR. STARR: Form; foundation; speculation.

10 THE WITNESS: No.

11 BY MR. STEFANICH:

12 Q. Judge, on the screen now is a copy of a
13 Polaroid of Ms. Friend.

14 Does seeing this photograph refresh your
15 recollection at all about Ms. Friend?

16 MR. STARR: Brian, can we get the Bates on
17 that, please?

18 MR. STEFANICH: It is Bates Fletcher Evidence
19 Inspection 96.

20 THE WITNESS: It does not.

21 BY MR. STEFANICH:

22 Q. Okay.

23 MR. STARR: Brian, you cut out for me.

24 Was that 96; did you say?

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1 MR. STEFANICH: Yeah. Fletcher Evidence
2 Inspection 96.

3 MR. STARR: Okay. Thank you.

4 BY MR. STEFANICH:

5 Q. Judge, on the screen here is another
6 transcript of a grand jury proceeding in this case.
7 The witness's name is Terry Rogers. The Bates stamp
8 range is Fletcher 7762 through 7768.

9 Do you see the, I guess, first page of this
10 transcript on your screen, Judge?

11 A. I do.

12 Q. Okay. And based on the transcript,
13 it appears that you were the ASA that presented
14 Mr. Rogers to the grand jury; is that correct?

15 A. That's correct.

16 Q. Do you have any recollection of Mr. Rogers?

17 A. I do not.

18 Q. Did you review this transcript prior to
19 today's deposition?

20 A. I did not. I didn't receive that transcript.

21 Q. Okay. On page 7765, lines 17 through 20,
22 you ask Mr. Rogers, on line 17, and what did you see
23 happen; is that correct?

24 A. That's correct.

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1 MR. OBERTS: Speculation; foundation.

2 BY MR. STEFANICH:

3 Q. And Mr. Rogers answered, well, Jimmy Fletcher
4 upped the gun from his backside, and there was some
5 gunfire exchanged; Edward Cooper ran to his truck and
6 got his gun.

7 Do you see that?

8 MR. OBERTS: Object to speculation --
9 well, if you can see that, no -- no objection.

10 THE WITNESS: I do.

11 BY MR. STEFANICH:

12 Q. Okay. Would you have, based on your
13 practice, spoken with Mr. Rogers prior to his grand
14 jury testimony?

15 MR. STARR: Form; foundation; speculation.

16 THE WITNESS: I have -- I don't recall
17 speaking to him, but if -- I would have spoken to him.
18 That would be my practice to speak to all witnesses
19 before I brought them in to the grand jury.

20 BY MR. STEFANICH:

21 Q. And, again, if we go to page Fletcher 7767,
22 you ask Mr. Rogers about speaking with Assistant
23 State's Attorney Jennifer Walker and Detective
24 Noradin. And based on this transcript, it appears

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1 that he also had -- he also gave a statement to
2 ASA Walker.

3 Is that a fair summary of this portion of
4 the grand jury testimony?

5 A. He answers yes, that he had spoken to them.

6 Q. Okay. I'm going to show you a picture
7 of Mr. Rogers. Let's see if that refreshes your
8 recollection.

9 MR. STEFANICH: And, Sean, this is Bates
10 stamped Fletcher Evidence Inspection 93.

11 BY MR. STEFANICH:

12 Q. Judge, does this refresh your recollection
13 at all about Mr. Rogers?

14 A. It does not.

15 Q. Judge, you mentioned before that there would
16 be times that the felony review file or felony review
17 folder would be available to you in Branch 66; is that
18 correct?

19 A. Yes.

20 Q. A case like Mr. Fletcher's where witnesses
21 gave statements to the felony review assistant, would
22 those statements also be available to you in Branch 66
23 court?

24 MR. STARR: Form; foundation; calls for

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1 speculation.

2 THE WITNESS: Yes.

3 MR. STEFANICH: I don't have any other
4 questions, Judge. Mr. Starr might have some questions
5 for you.

6 THE WITNESS: Okay.

7 MR. STARR: I do have a few questions.

8 EXAMINATION

9 BY MR. STARR:

10 Q. Good morning, your Honor. My name is Sean
11 Starr. I represent the plaintiff, James Fletcher,
12 in this matter. Thanks for being here today.

13 You previously testified that in some
14 circumstances, you would receive the felony review
15 file or folder when you were presenting a case before
16 the grand jury; is that correct?

17 A. Correct.

18 Q. Was it also the case that there were
19 instances when you would not receive that folder
20 or file?

21 MR. OBERTS: Foundation; speculation.

22 Go ahead.

23 THE WITNESS: I think there could have been.
24 Usually, you would have the felony review folder, but

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1 if -- if it was an ongoing investigation, I don't --
2 I don't remember if the folders were there generally
3 or not, if they went back and forth or not. I'm not
4 sure.

5 BY MR. STARR:

6 **Q. In addition to the folder, were there any**
7 **other documents that you were routinely provided in**
8 **advance of presenting a case before the grand jury?**

9 A. Whatever reports were available at the time
10 would be in the folder.

11 **Q. Okay. So is it -- in some circumstances,**
12 **you may have received police reports; is that correct?**

13 A. Maybe, yes.

14 **Q. In other circumstances, you may not have**
15 **received police reports, correct?**

16 MR. OBERTS: Speculation; foundation.

17 Go ahead.

18 THE WITNESS: As to this case, I don't know
19 what I received, but yes.

20 BY MR. STARR:

21 **Q. And if you were not presenting a witness**
22 **who was a -- who was the police officer involved in**
23 **the underlying investigation, would you generally have**
24 **access to those police officers?**

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1 MR. OBERTS: Objection; speculation,
2 foundation.

3 Go ahead.

4 THE WITNESS: I'm not sure what you're
5 asking, but, I mean, my first -- I would say no.
6 I mean -- I guess I don't understand your question.

7 BY MR. STARR:

8 Q. Yeah. Let me clarify it. I apologize if
9 that wasn't clear.

10 So when you were presenting a case before
11 the grand jury that was investigated by the Chicago
12 Police Department that had detectives who worked the
13 investigation up to the point in advance of coming
14 to the state's attorney's office, if you were not
15 presenting any of those police officers as witnesses,
16 would you generally have access to those police
17 officers in terms of asking them, you know, about
18 the investigation or interviewing them about their --
19 about their investigation?

20 MR. STEFANICH: Objection, form.

21 MR. OBERTS: Objection, vague with regards
22 to "access." Objection, foundation and speculation.

23 But go ahead.

24 THE WITNESS: Yeah. I guess "access" is --

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1 I'm not sure what you mean. I mean, they're -- if
2 they're -- if they're coming to the grand jury on a
3 case, I would see them to talk to them. I could pick
4 up a phone if I had a question. You know -- I mean,
5 you would generally see detectives involved in a case
6 in the grand jury at some point. Was it for every
7 witness? Was it when it first came in? Was it when
8 they came to indict the case? You know, it could be
9 any of those times. And most times, there was -- on
10 a murder, there's, you know, more than one detective,
11 and -- so it could be any number of people working on
12 the case, I guess.

13 BY MR. STARR:

14 **Q. In circumstances -- for instance, a homicide**
15 **case that you were presenting before the grand jury,**
16 **you testified previously that you would -- it was your**
17 **practice to interview witnesses before you put them**
18 **on the stand, correct?**

19 A. Before I brought them to the grand jury, yes.

20 **Q. And would you interview those witnesses in**
21 **conjunction with the detectives who were investigating**
22 **a case?**

23 MR. STEFANICH: Objection, form.

24 MR. OBERTS: I think -- together with them?

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1 MR. STARR: Yeah.

2 BY MR. STARR:

3 Q. Was it your -- in your experience or was
4 it your practice when you interviewed a witness that
5 you were going to bring to the grand jury -- were
6 detectives ever present for those interviews?

7 MR. STEFANICH: Objection, form.

8 MR. OBERTS: Objection, vague and
9 speculation.

10 But go ahead. And foundation.

11 THE WITNESS: I would always talk -- I would
12 always talk to witnesses alone. That doesn't mean
13 that they weren't present at some point, but I would
14 always make a -- talk to them -- talk to witnesses
15 alone so I can talk to them about their treatment and
16 those kind of things.

17 BY MR. STARR:

18 Q. And as a state's attorney in 2002, were you
19 familiar with your obligations under the Supreme Court
20 case of Brady v. Maryland?

21 A. Yes.

22 Q. And you were -- in 2002, you were aware that
23 Brady required prosecutors to disclose any exculpatory
24 evidence that they encountered, correct?

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1 A. Correct.

2 Q. And as a prosecutor in 2002, you were aware
3 that Brady required you to disclose any impeachment
4 evidence that you may encounter in the course of your
5 work on a case, correct?

6 A. Yes.

7 Q. And as a prosecutor in 2002, you were aware
8 that Brady required you to not destroy any material
9 evidence, correct?

10 A. Correct.

11 Q. Okay. And did you -- as a Cook County
12 state's attorney, did you take the obligations of
13 Brady seriously?

14 A. I did.

15 Q. And did you adhere to the obligations that
16 were required upon you by Brady when you were at the
17 state's attorney's office?

18 A. Yes.

19 Q. As an ASA working in Branch 66, did you
20 independently investigate cases?

21 A. No.

22 Q. As a state's attorney working in Branch 66,
23 did you rely entirely upon the police investigation
24 and the felony review prosecutors to provide you with

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1 **the relevant evidence to present to the grand jury?**

2 MR. STEFANICH: Objection, form.

3 BY MR. STARR:

4 **Q. I'm sorry, ma'am. I didn't hear your answer.**

5 A. Yes.

6 **Q. So did you have any --**

7 MR. STARR: And, Bill, this is not a question
8 about what her -- I don't think this is a mental
9 impressions question.

10 BY MR. STARR:

11 **Q. Did you have any discretion to seek specific**
12 **types of evidence as an ASA presenting cases to the**
13 **grand jury?**

14 A. I --

15 MR. STEFANICH: Objection, form.

16 THE WITNESS: -- your question.

17 BY MR. STARR:

18 **Q. Okay. Let me rephrase it.**

19 **As an ASA working in Branch 66, did you**
20 **have the discretion to seek out evidence?**

21 MR. STEFANICH: Objection, form.

22 MR. OBERTS: Objection, vague.

23 THE WITNESS: We -- we weren't investigating.

24 I can't think -- I mean, in general, no. You were --

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1 I mean, if something came up, you would, of course,
2 not ignore things or -- but no. I guess I'm not sure
3 what you're getting at.

4 BY MR. STARR:

5 Q. So I think you previously testified that as
6 an ASA presenting a case to the grand jury, you relied
7 on the police who investigated the crime and the
8 felony review who determined that there was probable
9 cause to charge, correct?

10 A. Correct.

11 Q. And they presented you the evidence that
12 you would then present to the grand jury, correct?

13 A. Correct.

14 Q. Did you have the discretion to ask for
15 evidence that they may have in their possession?

16 MR. OBERTS: Object to vague, foundation,
17 and speculation.

18 THE WITNESS: I don't know what you're --
19 I don't --

20 BY MR. STARR:

21 Q. Okay. Let me try to rephrase it.

22 So when you present a case to the grand jury,
23 you only present certain pieces of evidence, correct?

24 A. We only present witnesses and then, you know,

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1 whatever elements of the offense there are for the
2 indictment.

3 Q. Right. You're --

4 A. But --

5 Q. You're seeking an indictment; you're not
6 putting on an entire trial, correct?

7 A. Correct.

8 Q. Okay. And is it fair to say that, as a
9 state's attorney presenting cases to the grand jury,
10 you typically relied upon the information that was
11 provided you to be complete and accurate?

12 A. Yes.

13 Q. Did you, in your career, work in felony
14 review?

15 A. I did.

16 Q. And as a felony review ASA, was it your --
17 to rely on the underlying police investigations that
18 were brought to you to be complete and accurate?

19 A. You cut out again in the beginning.

20 MR. OBERTS: You cut out.

21 BY MR. STARR:

22 Q. Sure. As a felony review trial -- or sorry.
23 Strike that.

24 As a felony review ASA, was it your practice

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1 to rely on the underlying police investigations that
2 were presented to you to be complete and accurate?

3 A. I don't understand the question.

4 Q. So when I asked you as a Branch 66 ASA if
5 you relied on the underlying police investigations
6 to be complete and accurate, I believe you testified
7 you did; is that correct?

8 A. And there had been an assistant state's
9 attorney who went out and reviewed the evidence
10 and talked to the witnesses. As a felony review
11 assistant, you're going out there, and you're talking
12 to witnesses and defendants if they want to be spoken
13 to. So you're talking to these people again, so...

14 Q. And when you were in felony review -- my
15 question is, when you were in felony review, did you
16 expect the information that was presented to you by
17 the Chicago Police Department on any given case to
18 be accurate information?

19 MR. STEFANICH: Objection, form.

20 THE WITNESS: Yes. You would expect that,
21 but you would talk to the witnesses yourself.

22 BY MR. STARR:

23 Q. And you would do that to -- in an attempt to
24 corroborate the evidence that was presented, correct?

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1 MR. OBERTS: Objection to the extent it calls
2 for her mental impression. But to the extent she can
3 answer factually, go ahead, but not to provide her
4 work product.

5 THE WITNESS: Yes.

6 BY MR. STARR:

7 Q. Counsel for the defendants asked you about
8 Detective Bogucki, and I believe you testified you
9 have no independent recollection of who that is,
10 correct?

11 A. That's correct.

12 Q. And so you can't -- as you sit here
13 today, you can't tell us one way or another if you
14 interviewed him in advance of presenting the case to
15 the grand jury in the James Fletcher matter, correct?

16 A. Correct.

17 Q. Is that also true of Detective Ray Schalk?

18 MR. OBERTS: Object to form.

19 Go ahead.

20 THE WITNESS: I didn't see the transcript
21 of the indictment. I didn't have a copy of that.
22 So, I mean, that is the only detective I could say --
23 I have no recollection of it, but that would be the
24 only detective I can tell you for sure that I spoke

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1 to.

2 BY MR. STARR:

3 **Q. Okay. That's Detective Schalk?**

4 A. I don't know. I didn't see the transcript.
5 I don't know. Whoever is on the indictment is the
6 person I can tell you I spoke to based on that
7 transcript, but I don't have a recollection.

8 **Q. So I'm going to ask you about another**
9 **detective that was referenced by counsel, a detective**
10 **by the name of Anthony or Tony Noradin.**

11 **Do you know who that is?**

12 A. I don't. I'm not saying I never met him.
13 I just -- I don't know.

14 **Q. And so because you don't have an independent**
15 **recollection of Detective Noradin, you can't say one**
16 **way or the other if you spoke to him in advance of**
17 **presenting James Fletcher's case to the grand jury,**
18 **correct?**

19 A. That's correct.

20 **Q. And the last police personnel I want to**
21 **ask you about is a sergeant by the name of Anthony**
22 **or Tony Wojcik.**

23 **Do you know who that is?**

24 A. That name is more familiar to me, but I --

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1 I don't really know him either.

2 Q. And do you have any independent recollection
3 of Tony or Anthony Wojcik being involved in the grand
4 jury case of James Fletcher?

5 A. I don't.

6 Q. Because you have no independent recollection
7 of Mr. Wojcik, you can't tell us one way or the other
8 if you spoke to him in advance of presenting the case
9 before the grand jury, correct?

10 A. I can't.

11 Q. You testified that you knew who former
12 ASA Jennifer Walker is, correct?

13 A. Correct.

14 Q. Did you work with her on a regular basis to
15 any extent during your time at the state's attorney's
16 office?

17 A. I did not.

18 MR. OBERTS: Vague.

19 Go ahead.

20 THE WITNESS: I believe I worked with her
21 briefly subsequent to this.

22 BY MR. STARR:

23 Q. Subsequent to this underlying case?

24 A. Right.

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1 **Q. Do you have any professional opinion of**
2 **ASA Walker's work in the state's attorney's office?**

3 MR. OBERTS: Objection. It calls for her
4 opinion, and she's a fact witness, not an opinion
5 witness.

6 But go ahead.

7 THE WITNESS: I would hold her in the highest
8 regard.

9 BY MR. STARR:

10 **Q. Do you have any sort of relationship with**
11 **ASA Walker outside of the confines of the state's**
12 **attorney's office?**

13 A. I do not.

14 MR. STEFANICH: Objection.

15 BY MR. STARR:

16 **Q. What about a former state's attorney by the**
17 **name of Aidan O'Connor, do you know who that is?**

18 A. I do.

19 **Q. Did you work with Ms. O'Connor?**

20 A. Not directly ever.

21 **Q. And Ms. O'Connor was at the state's**
22 **attorney's office during part of your tenure at the**
23 **very minimum, correct?**

24 A. Correct.

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1 **Q. Do you have any professional opinion about**
2 **ASA O'Connor's work within the state's attorney**
3 **office?**

4 MR. OBERTS: Object to the extent --
5 objection as it calls for an opinion of this fact
6 witness.

7 But go ahead.

8 THE WITNESS: She was well-regarded.

9 BY MR. STARR:

10 **Q. And do you have any social relationship with**
11 **Ms. O'Connor outside of the state's attorney's office?**

12 A. I -- I do not. I will tell you, though,
13 that I had -- I've been invited places that, you know,
14 she's also been in smaller groups. So we must have
15 had some mutual friends.

16 **Q. Okay. And then what about an ASA or former**
17 **ASA by the name of Michael Clarke, do you know who**
18 **that is?**

19 A. I do.

20 **Q. And did you work with Mike Clarke at the**
21 **state's attorney's office?**

22 A. No.

23 **Q. But was Mr. Clarke at the state's attorney's**
24 **office during some part of your tenure?**

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1 A. Yes.

2 **Q. Okay. And do you have any professional**
3 **opinion about ASA Clarke's work within the state's**
4 **attorney's office?**

5 MR. OBERTS: Objection as it calls for
6 opinion of this fact witness.

7 Go ahead.

8 THE WITNESS: I -- I never -- I didn't work
9 with him at all. I -- no.

10 BY MR. STARR:

11 **Q. And do you have any social relationship with**
12 **Mr. Clarke outside of the state's attorney's office?**

13 A. No.

14 **Q. Okay. Cases that -- that were presented**
15 **before the grand jury, how did you as an ASA get**
16 **assigned a given case?**

17 MR. OBERTS: Did you say --

18 THE WITNESS: You cut out at the beginning.

19 MR. STARR: Yeah. I'm sorry. My Internet is
20 just a little wonky today. I apologize to everyone on
21 the Zoom. This hasn't been a problem lately, but I
22 guess it is today. So thanks for letting me know.

23 BY MR. STARR:

24 **Q. My question was, generally speaking, how did**

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1 **ASAs get assigned cases at the grand jury stage?**

2 A. Normally, the supervisor would assign cases
3 when they came in in the morning.

4 **Q. And did you have -- as a line -- I don't want**
5 **to be incorrect here. Is line ASA an appropriate term**
6 **to use for the position you had in 2002?**

7 A. Line ASAs usually refer to felony review.
8 But yeah. As a member of the grand jury unit, yeah,
9 or Branch 66 --

10 **Q. Okay.**

11 A. -- that's how they assigned cases.

12 **Q. As an ASA assigned to the grand jury unit,**
13 **did you have any discretion on which cases were**
14 **assigned to you?**

15 A. No.

16 **Q. Okay. So you couldn't request to prosecute**
17 **a case, correct?**

18 A. No.

19 **Q. Okay. Earlier, when I asked you about your**
20 **Brady obligations, as an ASA working in the grand jury**
21 **unit, those obligations applied to you just in the**
22 **same way they applied to any ASA, correct?**

23 A. Of course.

24 **Q. Okay. So in prosecuting a case on the grand**

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1 jury level, if you had encountered exculpatory
2 evidence, you would have disclosed it, correct?

3 A. Correct.

4 Q. And I know you don't remember Mr. Fletcher's
5 case, but if you had learned of any exculpatory
6 evidence in the -- during the time in which the case
7 was assigned to you, you would have certainly
8 disclosed that to the defense, correct?

9 A. I would.

10 Q. And during the James Fletcher grand jury
11 stage, if you had -- if you had encountered or learned
12 of any impeachment evidence, you would have disclosed
13 that as well, correct?

14 A. Yes.

15 Q. And during the James Fletcher grand jury
16 stage, you didn't destroy any material evidence,
17 correct?

18 A. No.

19 MR. OBERTS: No, she did not, correct?

20 THE WITNESS: No.

21 MR. OBERTS: Objection, form.

22 MR. STARR: Yeah. Was it the way -- let
23 me just ask it again so it's clear on the record.

24 BY MR. STARR:

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1 Q. You didn't -- during the grand jury stage of
2 Mr. Fletcher, did you destroy any material evidence?

3 A. I did not.

4 Q. Okay. At any point during the James Fletcher
5 case -- during the prosecution of James Fletcher, did
6 you ever receive any information from any source that
7 any Chicago police officer had improperly or unduly
8 influenced Terry Rogers' identification of James
9 Fletcher?

10 MR. STEFANICH: Objection, form.

11 THE WITNESS: No.

12 BY MR. STARR:

13 Q. And do you know that because if you had
14 received that information, you would have disclosed
15 that to the defense?

16 A. Correct.

17 Q. Okay.

18 A. No independent recollection, but I would
19 never hold on to that kind of information.

20 Q. Right. If we have no record of you
21 disclosing that type of information to the criminal
22 defense, we can safely assume it's because you never
23 received it; is that right?

24 A. That's correct.

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1 **Q. Would you -- if -- strike that.**

2 **Mr. Rogers had a pending felony charge when**
3 **he identified Mr. Fletcher.**

4 **Is that information that would have been**
5 **made available to you as a -- as a grand jury ASA?**

6 MR. STEFANICH: Objection, form.

7 THE WITNESS: It should have been, but I
8 don't know in this case.

9 BY MR. STARR:

10 **Q. And if any deals or any promises had been**
11 **made to Mr. Rogers in exchange for his testimony,**
12 **would that have been made known to you as a grand**
13 **jury ASA?**

14 MR. STEFANICH: Objection; form, misstates
15 the evidence in this case too.

16 THE WITNESS: Yeah. I should have been if
17 that was the case.

18 BY MR. STARR:

19 **Q. And do you have any independent recollection**
20 **of learning that there was a pending felony charge**
21 **against Mr. Rogers when he testified?**

22 MR. STEFANICH: Objection, form.

23 THE WITNESS: I don't.

24 BY MR. STARR:

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1 **Q. Do you have any independent recollection of**
2 **learning that there were any promises or deals made**
3 **with Terry Rogers at any point when he testified?**

4 MR. STEFANICH: Objection; form, misstates
5 the evidence.

6 THE WITNESS: No.

7 BY MR. STARR:

8 **Q. Do you know -- I'm going to ask you --**
9 **I think I know what the answer is. But do you know**
10 **a witness by the name of Edward Cooper? Do you know**
11 **who that is?**

12 A. I saw the name in the material I was
13 provided, but no.

14 **Q. Okay. And I'll just -- for the record,**
15 **I'll represent to you that Mr. Cooper was one of the**
16 **victims in this case. He was the bread truck driver**
17 **that was robbed in the underlying criminal case.**

18 Does that help refresh your recollection
19 at all as to who he is?

20 A. I read it in the materials, but I don't --
21 I don't -- have no independent recollection about him.
22 Just what I read.

23 **Q. Yeah. And I understand that you don't have**
24 **an independent recollection, and I don't necessarily**

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1 think that it would refresh your recollection.

2 But I just, for the record, have to ask some questions
3 to see what your answer is going to be. Just, you
4 know, bear with me. I'm trying to make this as short
5 as possible. I understand you're a busy person.

6 So do you know, ma'am, whether or not you
7 ever interviewed Mr. Cooper?

8 A. I don't. I don't think I was provided
9 anything that I did, so I don't know if I interviewed
10 him or not.

11 Q. Okay. And as a general practice, would you
12 typically interview the victims in a case that you're
13 presenting to the grand jury?

14 MR. OBERTS: Speculation; foundation.

15 THE WITNESS: I feel like you generally
16 would if they were available or...

17 BY MR. STARR:

18 Q. At any point while this case was assigned
19 to you, did you ever learn from Edward Cooper or from
20 any other source that the Chicago police detectives
21 investigating this crime unduly and improperly
22 influenced Edward Cooper to identify James Fletcher?

23 MR. STEFANICH: Objection; form, foundation.

24 THE WITNESS: No.

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1 BY MR. STARR:

2 Q. And you said -- your answer was "no,"
3 correct, ma'am?

4 A. Correct.

5 Q. Okay. And we know that because there's no --
6 there's nothing in the record to indicate that you
7 ever disclosed that you had learned that information;
8 is that correct?

9 A. The only way -- well, right. I would have
10 disclosed that information if it existed.

11 Q. Okay. So because nothing in the record
12 exists to demonstrate that, we can safely assume that
13 you didn't learn that, correct?

14 A. Correct.

15 Q. And if at any point while this case was
16 assigned to you if the police had told you or provided
17 you with documentation that Mr. Cooper, the victim,
18 was unable to identify anyone, that's something you
19 would have disclosed, correct?

20 MR. STEFANICH: Objection, form.

21 THE WITNESS: Correct.

22 BY MR. STARR:

23 Q. And if at any point in time anyone told
24 you -- whether Mr. Cooper, the police, or anyone

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1 otherwise -- that the police had shown Mr. Cooper a
2 photo array and told him who to pick out of the photo
3 array, if you had learned that, you would have
4 disclosed that, correct?

5 A. Of course.

6 Q. At any point in time -- strike that.

7 If anyone had told you at any point in time,
8 while this case was assigned to you or otherwise,
9 that when Mr. Cooper went to view a lineup, the police
10 showed him a picture of Mr. Fletcher before he went
11 and viewed the lineup, that's something that you would
12 have also disclosed, correct?

13 MR. OBERTS: Sean, you did freeze up again
14 during that question.

15 MR. STARR: I'm sorry. Let me ask it again.

16 BY MR. STARR:

17 Q. If at any point in time anyone had informed
18 you that when Mr. Cooper went to go view a lineup, the
19 police showed him a picture of Mr. Fletcher prior to
20 viewing the lineup, that's something that you would
21 have disclosed, correct?

22 A. Yes.

23 Q. Regarding Ms. Friend, we looked at that
24 transcript earlier that indicated that Ms. Friend

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1 is a witness that you presented to the grand jury,
2 correct?

3 A. Correct.

4 Q. Are you aware, as you sit there today,
5 that Ms. Friend has signed a declaration recanting
6 her identification of Mr. Fletcher in this case?

7 MR. STEFANICH: Objection; form, misstates
8 the evidence.

9 THE WITNESS: No.

10 BY MR. STARR:

11 Q. At any point in time, did Ms. Friend tell
12 you that the police -- strike that.

13 At any point in time, did Ms. Friend tell
14 you that she told the police that she was unable to
15 identify the shooter in the Willie Sorrell homicide?

16 A. No.

17 Q. And we know that -- we know that Ms. Friend
18 never told you that because there's no record of you
19 disclosing that, correct?

20 A. Correct.

21 Q. And if she had told you that information
22 and she had told you that she had told police she
23 couldn't identify anyone, that's something you would
24 have certainly disclosed to the defense, correct?

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1 A. I would.

2 **Q. And the Brady obligation carries throughout**
3 **the prosecution, correct?**

4 A. It does all the way until sentencing.

5 **Q. And so if you are an ASA that works part**
6 **of the case, in this example, works on the grand**
7 **jury hearing and you later learn evidence that's**
8 **exculpatory, you still have that obligation to**
9 **disclose that information, correct?**

10 A. Correct.

11 **Q. At any point in time, did Ms. Friend**
12 **or anyone else tell you that when Ms. Friend was**
13 **presented with a photo array, she identified someone**
14 **other than James Fletcher?**

15 A. No.

16 **Q. If you had learned that Ms. Friend had**
17 **initially identified some other person other than**
18 **James Fletcher during a photo array, you would have**
19 **disclosed that to the defense, correct?**

20 A. I would.

21 **Q. Did you ever become aware that Ms. Friend**
22 **was -- had to be arrested multiple times in order**
23 **to testify during James Fletcher's trial?**

24 A. I didn't.

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1 **Q. Do you know --**

2 MR. STEFANICH: Sorry. I just want to make
3 my objection. Objection to form.

4 BY MR. STARR:

5 **Q. -- Fletcher was under arrest when she**
6 **testified at the grand jury --**

7 A. You broke up a little bit.

8 **Q. Again, I apologize.**

9 Do you know whether or not Ms. Friend was
10 **under arrest when she testified at the grand jury?**

11 A. I don't think so, but I'm not positive.
12 I'm not -- I'm not positive.

13 **Q. If Ms. Friend had been arrested in advance**
14 **of her testimony at the grand jury, is that something**
15 **that you should have been made aware of?**

16 MR. STEFANICH: Objection, form.

17 MR. OBERTS: Join.

18 THE WITNESS: Yes.

19 BY MR. STARR:

20 **Q. Were you ever made aware that Ms. Friend**
21 **had criminal charges pending when she identified**
22 **James Fletcher?**

23 MR. OBERTS: Foundation; speculation.

24 THE WITNESS: I don't recall.

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1 BY MR. STARR:

2 Q. And do you have any independent recollection
3 of whether or not there was any promises or deals made
4 with Ms. Friend in exchange for her testimony at any
5 point?

6 MR. OBERTS: Speculation; foundation.

7 THE WITNESS: I think I answered that
8 question. The grand jury, she said no, but I wasn't
9 aware of anything.

10 BY MR. STARR:

11 Q. As a general practice when you presented
12 a witness to a crime before the grand jury, would you
13 always ask them whether or not the police treated them
14 fairly and nicely?

15 A. Yes.

16 Q. Okay. Did you ever have -- if you can recall
17 in your experience -- did you ever have a witness that
18 you presented before the grand jury, when you asked
19 that question, say no, that they were not treated
20 fairly or nicely by the police?

21 MR. OBERTS: Foundation; speculation.

22 THE WITNESS: I can't think off the top of
23 my head.

24 BY MR. STARR:

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1 Q. And in this case, if you asked Mr. Rogers
2 if he was treated fairly -- strike that.

3 As a general matter of practice, would you
4 ask those witnesses that in advance of putting them
5 on the stand?

6 A. Yes.

7 Q. Okay. And so in this case, if you asked
8 Mr. Rogers, did the police treat you nicely and
9 fairly, and he told you yes, you'd have no way to
10 know if that was true or not, correct?

11 MR. STEFANICH: Objection, form.

12 THE WITNESS: No. Just by their answer, not
13 in the presence of any police officers or detective.
14 BY MR. STARR:

15 Q. You'd have to rely on what they told you,
16 right?

17 A. Correct.

18 Q. Okay. And is that also true of
19 Ms. Friend; if Ms. Friend -- if you asked Ms. Friend,
20 in preparation for presenting her to the grand jury,
21 whether the police treated her nicely and fairly and
22 she told you they had, you'd have no way of knowing
23 if that wasn't true, correct?

24 A. Correct.

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1 **Q. You'd have to rely on what she told you,**
2 **correct?**

3 A. Correct.

4 **Q. And you -- I think I asked you this.**
5 **I apologize if this has been asked already.**

6 But you don't have any independent
7 **recollection of interviewing Ms. Friend independent**
8 **of the police, correct?**

9 A. No.

10 MR. OBERTS: That's true, right?

11 THE WITNESS: No --

12 BY MR. STARR:

13 **Q. You don't have any independent recollection**
14 **of interviewing Mr. --**

15 A. I have no independent recollection of any
16 of it.

17 **Q. Right. And you have no independent**
18 **recollection of interviewing Mr. Rogers independent**
19 **of the police, correct?**

20 A. I don't.

21 **Q. Do you have -- I'm going to ask you about**
22 **another witness just here briefly.**

23 Do you have any independent recollection
24 **of another witness to this crime by the name of**

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1 Emmitt Wade?

2 A. No.

3 Q. Do you know whether -- strike that.

4 Were you ever made aware that another witness
5 to this underlying crime by the name of Emmitt Wade
6 was shown a single photo of Mr. Fletcher by the
7 detectives investigating this case?

8 A. No.

9 Q. If you had been made aware of that, is that
10 something you would have disclosed to the defense?

11 A. Yes.

12 MR. OBERTS: Speculation.

13 BY MR. STARR:

14 Q. Were you ever made aware that police told
15 Mr. Wade and Mr. Cooper that James Fletcher was a bad
16 guy and that they needed to help them convict him?

17 MR. STEFANICH: Objection, form.

18 THE WITNESS: No.

19 BY MR. STARR:

20 Q. If you had learned that information, is that
21 something you would have disclosed to the defense?

22 A. I would.

23 Q. When the state's attorney's office was in
24 the process of reviewing the question of whether or

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1 not charges should be dropped or vacated against
2 Mr. Fletcher when he had a pending post-conviction
3 petition, were you ever asked any questions about this
4 case?

5 A. No.

6 Q. So you had no involvement in the PC
7 proceedings; is that correct?

8 A. Correct.

9 Q. Or you had -- and you also had no involvement
10 in the federal habeas corpus proceedings; is that
11 correct?

12 A. Correct.

13 Q. Did anyone else ever interview you about
14 this underlying case besides today sitting at this
15 deposition?

16 A. Never.

17 Q. I have to ask you a couple specific questions
18 about your awareness of particular police misconduct
19 that has been alleged in this case. The defendants
20 in Mr. Fletcher's civil case may claim that the
21 prosecutors had knowledge of their alleged misconduct.

22 And given your answers about your independent
23 recollection, we may have to approach some of these as
24 hypothetical. Like, as -- you know, if you had known

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1 **this, would you have done this, which I've already**
2 **asked you a couple times. But I just have to go**
3 **through this briefly.**

4 **During the pendency of the James Fletcher**
5 **criminal proceedings, were you ever at any point made**
6 **aware that the Chicago Police Department engaged in**
7 **any form of witness coercion?**

8 A. No.

9 **Q. At any point during the prosecution of**
10 **James Fletcher, were you ever made aware that there**
11 **were promises made to witnesses in this case?**

12 MR. STEFANICH: Objection; form, misstates
13 the evidence.

14 THE WITNESS: No.

15 BY MR. STARR:

16 **Q. I apologize. I didn't hear your answer.**

17 A. No.

18 **Q. Okay. At any point during the prosecution**
19 **of James Fletcher, were you ever made aware that there**
20 **were threats made against any of the witnesses?**

21 A. No.

22 **Q. At any point during the prosecution of**
23 **James Fletcher, were you ever made aware that the**
24 **Chicago police fed facts to the witnesses to implicate**

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1 **Mr. Fletcher?**

2 MR. STEFANICH: Objection, form.

3 THE WITNESS: No.

4 BY MR. STARR:

5 **Q. At any point during the prosecution of**
6 **James Fletcher, were you ever made aware that the**
7 **police suppressed individual police reports?**

8 MR. STEFANICH: Objection; form, misstates
9 the evidence.

10 THE WITNESS: No.

11 BY MR. STARR:

12 **Q. At any point in time, were you ever -- during**
13 **the prosecution of James Fletcher, were you ever made**
14 **aware that the police included false facts in their**
15 **police reports?**

16 MR. STEFANICH: Objection, form.

17 THE WITNESS: No.

18 BY MR. STARR:

19 **Q. At any point in time during the prosecution**
20 **of James Fletcher, were you ever made aware the police**
21 **fabricated evidence in the underlying investigation**
22 **of Mr. Fletcher and the shooting of Willie Sorrell?**

23 A. No.

24 **Q. At any point in time during the prosecution**

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1 of James Fletcher, were you ever made aware that the
2 Chicago police concealed exculpatory evidence?

3 A. No.

4 Q. If you had been made aware of any of those
5 things, ma'am, would you have disclosed that to the
6 criminal defendant -- defense attorneys?

7 A. I would.

8 Q. Can you think of any case in your career
9 as a state's attorney that you were involved in, other
10 than this one, where an eyewitness identification was
11 made more than 12 years after the crime occurred?

12 MR. OBERTS: Objection; speculation,
13 foundation.

14 THE WITNESS: I can't think of one, but --
15 BY MR. STARR:

16 Q. In your -- I'm sorry. I didn't mean to
17 interrupt you. What was the rest of your answer?

18 A. I can't think of one, but I've worked on a
19 lot of cases.

20 Q. In your career experience, would you say
21 it's unusual to have a case where an eyewitness
22 identification occurs more than 12 years after the
23 crime occurred?

24 MR. OBERTS: Object to the extent it calls

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1 for her mental impression. But factually, if she's
2 aware of such, you can do so.

3 THE WITNESS: It's unusual.

4 BY MR. STARR:

5 Q. In your career as a Cook County state's
6 attorney, other than this case, have you ever been
7 involved in a prosecution in which allegations were
8 made that the Chicago police unduly influenced
9 eyewitness identification procedures?

10 MR. OBERTS: Objection; speculation,
11 foundation.

12 THE WITNESS: Not that I'm aware of.

13 BY MR. STARR:

14 Q. In your career as a Cook County state's
15 attorney, other than this case, have you ever been
16 involved in a prosecution in which allegations were
17 made that Chicago police withheld exculpatory
18 evidence?

19 MR. OBERTS: Objection; speculation,
20 foundation.

21 THE WITNESS: Not that I'm aware of.

22 BY MR. STARR:

23 Q. In your career as a Cook County state's
24 attorney, were you ever involved in a prosecution

James Fletcher, Jr. v. Jerome Bogucki, et al.
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1 **in which the allegations were that the prosecutors**
2 **withheld exculpatory evidence?**

3 MR. OBERTS: Object to speculation;
4 foundation.

5 Go ahead.

6 THE WITNESS: Not that I can think of.

7 BY MR. STARR:

8 **Q. As you sit here today, are you aware that**
9 **Mr. Fletcher was --**

10 MR. STEFANICH: Objection, form.

11 BY MR. STARR:

12 **Q. -- on this case?**

13 MR. STEFANICH: Objection, form.

14 MR. OBERTS: Sean, you froze.

15 MR. STARR: Oh, I'm sorry. I didn't realize
16 that.

17 BY MR. STARR:

18 **Q. As you sit here today, are you aware that**
19 **Mr. Fletcher was exonerated for the homicide of**
20 **Willie Sorrell?**

21 MR. STEFANICH: Objection, form.

22 THE WITNESS: I wasn't.

23 BY MR. STARR:

24 **Q. As you sit here today, are you aware that**

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1 **Mr. Fletcher received a certificate of innocence?**

2 A. No.

3 **Q. And as a sitting judge, do you know what**
4 **a certificate of innocence is?**

5 A. I do.

6 **Q. Could you give us what your understanding**
7 **of a certificate of innocence is, ma'am?**

8 MR. OBERTS: Object to the extent it calls
9 for a legal conclusion and opinions of a fact witness.

10 Go ahead.

11 THE WITNESS: Well, it's more than just
12 having charges dismissed. It's saying that, in fact,
13 the person was innocent. It's not just like having
14 a pardon or dismissed charges. It's, in fact,
15 innocence, and not everybody gets a certificate of
16 innocence.

17 BY MR. STARR:

18 **Q. It's a recognition by the state of Illinois**
19 **that the individual was, in fact, innocent of the**
20 **underlying crime they were charged with, correct?**

21 MR. STEFANICH: Objection, form.

22 MR. OBERTS: Objection, calling for a legal
23 opinion for this fact witness.

24 Go ahead.

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1 THE WITNESS: That's my understanding.

2 BY MR. STARR:

3 Q. Does knowing that impact your opinion one way
4 or the other of James Fletcher's guilt or innocence?

5 MR. OBERTS: Objection as it assumes facts
6 not in evidence of an opinion. Objection to the
7 extent it calls -- the underlying question calls
8 for her opinion and her mental impression regarding --
9 regarding Mr. Fletcher's guilt or innocence. And also
10 object to foundation and speculation.

11 MR. STEFANICH: I'll join the objections.

12 THE WITNESS: Not at all.

13 BY MR. STARR:

14 Q. Is that because you don't have any
15 independent recollection of this case whatsoever?

16 A. Correct.

17 Q. But as a general matter, would you -- do you
18 assume that people who have been granted certificates
19 of innocence are, in fact, innocent?

20 MR. OBERTS: Object to speculation --

21 THE WITNESS: Counsel, I'm not assuming
22 anything.

23 BY MR. STARR:

24 Q. Do you know one way or another whether any

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1 of the defendants in this case improperly or unduly
2 influenced any witness identification in this case?

3 A. No.

4 Q. Okay. I think that's all I have. If it
5 would be all right with you, your Honor, I'd just like
6 to take a quick five-minute break and take a look at
7 my notes. And I think we can -- maybe Mr. Stefanich
8 may have some questions. But can we just take five?

9 MR. OBERTS: Sure. And Ms. Harris -- is
10 Ms. Harris going to have anything? We can still take
11 five regardless. I just wanted to know -- well, let's
12 take five, and Ms. Harris can tell us when we get
13 back.

14 MR. STARR: Okay.

15 (Whereupon, a break was taken,
16 after which the following
17 proceedings were had:)

18 BY MR. STARR:

19 Q. Ms. Lanahan, I want to show you just one
20 exhibit here. We'll mark this as Plaintiff's
21 Exhibit 1. I'm going to share my screen with you.

22 MR. STARR: And for the record, this is
23 City JF 4566 through 4601.

24 BY MR. STARR:

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1 Q. This is four photographs, ma'am.

2 Can you see these photographs on your screen?

3 A. I do.

4 Q. Do you recognize these photographs?

5 A. I see one photograph of a lineup.

6 Q. Okay. Yeah. I'm going to scroll through
7 them so you can see all four.

8 A. Okay.

9 Q. Were you able to see all four photographs
10 there, ma'am?

11 A. I did.

12 Q. Okay. And I'll just represent for the record
13 the first two photographs are photographs of a lineup
14 of multiple people, and the last two photographs are
15 individual photographs of one person.

16 Is that a correct representation?

17 A. It is.

18 Q. Okay. Do you recognize the individual
19 on your screen on page 4 of the exhibit, which is
20 City JF 4578?

21 A. I do not.

22 Q. Okay. And then just for the sake of
23 completeness, I'm going to go to the next one,
24 which is 4577.

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1 Do you recognize the individual in that
2 photograph, ma'am?

3 A. No.

4 Q. Okay. And then I'm just going to go back
5 to 4570 -- this is 4569, actually. I apologize.

6 And do you recognize any of the individuals
7 in the lineup that's in the photograph on 4569?

8 A. No.

9 Q. And then the last one is 4566. This is a
10 side view of these individuals.

11 Do you recognize any of these individuals,
12 ma'am?

13 A. No.

14 Q. Okay. Does seeing any of these four
15 photographs refresh your recollection at all?

16 A. No.

17 MR. STARR: Okay. Those are all the
18 questions I have. I really appreciate your time
19 today.

20 MR. STEFANICH: I don't have any follow-up
21 questions.

22 MS. HARRIS: I don't have any questions.

23 MR. OBERTS: Reserve signature.

24 (Witness excused at 11:19 a.m.)

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES FLETCHER JR.,)
)
Plaintiff,)
)
-vs-) No. 20 CV 4768
)
JEROME BOGUCKI, ANTHONY)
NORADIN, RAYMOND SCHALK,)
ANTHONY WOJCIK, UNKNOWN)
CITY OF CHICAGO POLICE)
OFFICERS, and the CITY OF)
CHICAGO,)
)
Defendants.)
_____)

I, KATHALEEN LANAHAN, being first duly sworn,
on oath, say that I am the deponent in the aforesaid
deposition, that I have read the foregoing transcript
of my deposition taken June 7, 2024, consisting of
Pages 1 through 71 inclusive, taken at the aforesaid
time and place and that the foregoing is a true and
correct transcript of my testimony so given.

_____ Corrections have been submitted
_____ No corrections have been
submitted

KATHALEEN LANAHAN, Deponent

SUBSCRIBED AND SWORN TO
before me this _____ day
of _____ A.D., 2024.

Notary Public

James Fletcher, Jr. v. Jerome Bogucki, et al.
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1 NORTHERN DISTRICT OF ILLINOIS)
EASTERN DIVISION)
2 STATE OF ILLINOIS)
) SS:
3 COUNTY OF COOK)

4 I, Emma Sheehy, Certified Shorthand Reporter
5 in and for the County of Cook, State of Illinois,
6 do hereby certify that on the 7th of June, 2024,
7 the deposition of the witness, KATHALEEN LANAHAH,
8 called by the Defendants, was taken before me via
9 videoconference, reported stenographically, and was
10 thereafter reduced to typewriting through
11 computer-aided transcription.

12 The said witness, KATHALEEN LANAHAH, was
13 first duly sworn to tell the truth, the whole truth,
14 and nothing but the truth, and was then examined upon
15 oral interrogatories.

16 I further certify that the foregoing is a
17 true, accurate and complete record of the questions
18 asked of and answers made by the said witness, on the
19 date and time hereinabove referred to.

20 The signature of the witness was reserved by
21 agreement.

22 The undersigned is not interested in the
23 within case, nor of kin or counsel to any of the
24 parties.

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1 Witness my official signature in and for Cook
2 County, Illinois on this 2nd day of July, 2024.

3
4
5
6 *Emma Sheehy*

7 Emma Sheehy, CSR
8 161 North Clark Street, Suite 3050
9 Chicago, Illinois 60601



10 License No. 084-004780
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